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May 29, 2020

By Electronic Mail

Laura Flahive Wu
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**Re: Cabell County Follow-up to 5/22 Meet and Confer
City of Huntington v. AmerisourceBergen Drug Corp. et al., 3:17-cv-
01362 (S.D.W. Va.); *Cabell County Commission v. AmerisourceBergen
Drug Corp. et al.*, 3:17-cv-01665 (S.D.W. Va.)**

Dear Counsel,

This letter shall serve as Cabell County's follow-up to our 5/22 meet and confer regarding Defendants' 5/15 Motion to Compel *In Camera* Review and Production. The purpose of this letter is to provide information in addition to that which we provided during the meet and confer. If Defendants have further questions, please advise.

Third-Party and Common Interest Privilege Claims

As a follow-up with specifics, my firm as well as other firms representing Cabell County also represent (in the opioid litigation) Boone County, Fayette County, Kanawha County, Logan County, and Wayne County. We previously represented Wyoming County in the opioid litigation. Napoli Shkolnik represents Lewis County in the opioid litigation.

Relative to the identified communications involving Marshall University, St. Mary's Hospital, and Huntington-Cabell Hospital, we will be providing copies of those documents. As discussed during the call, we were not certain that our review matched that of Defendants. However, we believe that the entries at issue are (using the "PRVCTRL" number): 2, 4, 6, 7, 215, 216 & 217. If Defendants' review indicates something different and/or if Defendants disagree for some reason, please just let us know and we will try to match things up.

Relative to DEA/DOJ entries, those appear at (using the "PRVCTRL" number): 97, 98, 100 & 101. As a preliminary matter, these documents do not appear to be subject to production

and we maintain our claims of privilege over these communications involving attorneys engaged in a joint prosecution effort. Regardless, as stated during the call, we cannot produce these documents without permission from the DOJ. We have requested the DOJ's position regarding the materials at issue, and we will provide an update once we receive their response.

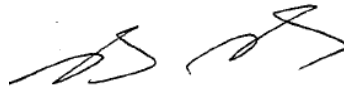
Draft Petitions

The Cabell County Commission has confirmed through discussions with counsel at the Cabell County Prosecutor's Office that the draft abuse/neglect petitions and related documents you have challenged were created at the direction of attorneys at the Prosecutor's Office.

The draft petitions at issue were created either at the direction of specific Prosecutors as draft petitions to be reviewed, edited, and potentially filed by the prosecutors, or were created in order for the Prosecutors to prepare for hearings on pending petitions. Additionally, the documents utilized were created by attorneys at the Prosecutor's office and the information contained in them was ordered to be included in them by specific attorneys litigating the active cases.

Should the above and enclosed not fully answer all questions related to Cabell County's privilege log we will make ourselves available to meet and confer.

Sincerely,

A handwritten signature in black ink, appearing to be "Brandon L. Bogle", written in a cursive style.

Brandon L. Bogle